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Security Council

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GENERAL

S/1998/839
8 September 1998

ORIGINAL: ENGLISH

LETTER DATED 8 SEPTEMBER 1998 FROM THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to report to the Security Council the continuing refusal of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro)to cooperate with the International Tribunal by failing to arrest and transfer to its custody three persons indicted by the International Tribunal: Mile Mrkšic, Miroslav Radić and Veselin Šljivančanin. I am bringing this to the attention of the Security Council at the request of the Presiding Judge of Trial Chamber I and in the context of recent initiatives by the United Nations to uphold and develop international criminal law.

The International Tribunal indicted the three individuals on 7 November 1995 for the murder of 260 unarmed men following the fall of the city of Vukovar in November 1991. A warrant for their arrest was issued and transmitted to, inter alia, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), as the accused were believed to be residing in its territory. As that warrant was not executed, the judge who confirmed the indictment order the Prosecutor to submit the case for review by a panel of three judges. On 3 April 1996, Trial Chamber I concluded that there existed sufficient grounds for believing that Mile Mrkšic, Miroslav Radić and Veselin Šljivančanin committed the offences with which they are charged in the indictment and certified that "the failure to effect service of the indictment was due to the refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the Tribunal". The Trial Chamber further issued international arrest warrants against the three accused which were subsequently transmitted to all States and to the Implementation Force established under Annex I-A of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement).

Acting upon the recommendation of the Trial Chamber, my predecessor, President Cassese, on 24 April 1996 reported the refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to arrest the three men. President Cassese noted that in not only refusing to comply with the orders of the International Tribunal but in promoting, supporting and continuing to pay

one of the indicted men, the Federal Republic of Yugoslavia (Serbia and Montenegro) demonstrated its disregard and disrespect for its obligations under international law. On 8 May 1996, the President of the Security Council reminded the Federal Republic of Yugoslavia (Serbia and Montenegro) of those obligations, deplored the failure to execute the arrest warrants and called for the immediate execution of the warrants. He further stated that the Security Council would remain seized of the matter.

Since that date, the three individuals have remained at liberty, alleged to be residing in Serbia. Indeed, the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) have not refuted such allegations. The Office of the Prosecutor of the International Tribunal has repeatedly demanded the arrest of the accused. On 19 December 1997, following a request from the Prosecutor, Trial Chamber II ordered the authorities to serve the accused with the indictment and various other documents and to notify the Registrar of the whereabouts of the accused. On the same day, Trial Chamber II requested the authorities to ensure the publication in the Federal Republic of Yugoslavia (Serbia and Montenegro) of a notice to the accused to surrender immediately to the International Tribunal.

The persistent and continuing rejection of orders to arrest Mile Mrkšic, Miroslav Radić and Veselin Šljivančanin is but the most blatant example of the refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the International Tribunal. Such intransigence has formed a consistent pattern since the International Tribunal was established by the Security Council in its resolution 827 (1993) of 25 May 1993. Notable in this regard is failure to take measures necessary under domestic law to implement the provisions of resolution 827 (1993) and the statute of the International Tribunal, as required by paragraph 4 of the resolution. Indeed, the Federal Republic of Yugoslavia (Serbia and Montenegro) remains the only signatory to the Dayton Agreement that has neither adopted legislation to facilitate cooperation with the International Tribunal, nor taken steps to transfer to the International Tribunal's custody those indictees in its territory.

Put simply, such conduct is illegal. The Security Council acted under Chapter VII of the Charter of the United Nations when it created the International Tribunal. In his report to the Security Council prior to the adoption of resolution 827 (1993), the Secretary-General noted that orders of the International Tribunal have the status of actions under Chapter VIII (S/25704, paras. 23 and 125). Thus, all States are legally required to comply with its orders, including warrants of arrest and surrender. Moreover, the Federal Republic of Yugoslavia (Serbia and Montenegro), as a signatory to the Dayton Agreement, is further bound to cooperate with the International Tribunal (General Framework Agreement, article IX; Annex I-A, article X; Annex 7, article III (2)). In the modern international community, such contempt for the authority of the Security Council and international law should not be countenanced.

The Security Council created the International Tribunal, determining that such a measure was appropriate and necessary to bring about the restoration of international peace and security. The achievement of this goal - and thus of the International Tribunal's mandate - respectfully requires the complete

support of the Security Council. States, collectively and individually, have assisted the International Tribunal in the face of recalcitrance by other States in the former Yugoslavia, acting through multinational armed bodies to force compliance with the International Tribunal. Of particular note was the arrest of an individual who was indicted with Mile Mrkšic, Miroslav Radić and Veselin Šljivančanin. However, no such situation pertains in the Federal Republic of Yugoslavia (Serbia and Montenegro). Accordingly, the International Tribunal is dependent on the Security Council to take the necessary action to ensure the compliance of the Federal Republic of Yugoslavia (Serbia and Montenegro). The conduct of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), therefore, displays contempt for the Security Council. Not only does the Federal Republic of Yugoslavia (Serbia and Montenegro) consider itself to be outside international law, it has become a haven for fugitives from international law.

In this context, I note that recent measures by the Security Council have demonstrated its commitment to upholding international criminal law. As the Security Council has reiterated, all States must comply with actions taken under Chapter VII and all individuals accused of criminal conduct must be held accountable, regardless of where or under whose protection they reside. Similarly, the adoption in July of a treaty establishing a permanent International Criminal Court is a further indication that the international community is committed to the principle of accountability for those who violate the law of nations.

Closely related to this is the situation in the province of Kosovo. As has been noted by the Security Council, the International Committee of the Red Cross and the United Nations High Commissioner for Refugees, recent events there threaten to destabilize further the Balkan region. The Security Council in its resolution 1160 (1998) urged the Office of the Prosecutor to investigate acts that might fall within the jurisdiction of the International Tribunal. Indeed, it noted the obligation of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the International Tribunal. This is particularly relevant considering its record of non-cooperation with Security Council resolutions, in particular those concerning the International Tribunal. The three individuals from the Federal Republic of Yugoslavia (Serbia and Montenegro) who have been charged with serious violations of international humanitarian law have not been arrested almost three years after the issuance of arrest warrants. They have enjoyed impunity and immunity. The lesson of this is not that individuals will be held accountable, but that, through the illegal actions of their Governments, they may be shielded from the international legal process to which all States are bound.

For these reasons, I respectfully submit that it is imperative that the reprehensible conduct of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) in violating the Charter of the United Nations, resolutions of the Security Council and the Dayton Agreement should no longer be tolerated.

(Signed) Gabrielle KIRK MCDONALD
President

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S/1998/840
8 September 1998
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 6 SEPTEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States aircraft continued between 16 and 31 August 1998 and that the aircraft in question carried out reconnaissance and engaged in acts of provocation, as set forth in the annex hereto.

Your intervention is requested with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions continue to alarm the civilian population and to cause serious damage to private and public property. The Republic of Iraq affirms its right to seek legal compensation for the damage being inflicted on the Iraqi people and the Iraqi State by these actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative

98-26194 (E) 090998 090998

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Annex

Violations of Iraq's airspace and damage caused, 16-31 August 1998

1. In the northern region 102 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres over the following cities and towns: Dohuk, Mosul, Amadiyah, Aqrah, Zakho, Irbil, Tall Afar, Rawanduz, Sinjar, Ayn Zalah, Tall Kayf and Baibo.

2. In the southern region 748 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres over the following Iraqi cities and towns: Nasiriyah, Samawah, Artawi, Ushbayjah, Jalibah, Salman, Busayyah, Qurnah, Chabaish, Shinafiyah, Rumaythah, Basrah, Hayy, Shatrah, Amarah, Qal'at Sukkar, Suq al-Shuyukh, Hamzah, Maymunah, Abu Sukhayr, Rifa'i, Najaf, Qal'at Salih, Ali al-Sharqi, Nu'maniyah, Kut, Mu'aniyah, Nukhayb, Shaykh Sa'd and Ali al-Gharbi.

3. Twelve violations were committed by TR-1 reconnaissance aircraft flying at altitudes of 20,000 metres and at speeds of 600 kilometres per hour.

4. At 1330 hours on 18 August and at 1024, 1200 and 1400 hours on 19 August, United States aircraft violated Iraqi airspace over Umm Qasr.

5. At 0915, 0920 and 1105 on 20 August and at 1035 and 1100 hours on 22 August, United States aircraft violated Iraqi airspace over Umm Qasr.

6. At 1226, 1747, and 1750 hours on 25 August, United States aircraft violated Iraqi airspace over Umm Qasr.

7. At 1615 hours on 25 August, a small United States patrol boat took under escort the Iraqi boat Ragad/8, which is used to take pilots to the pilot station near Mina' al-Bakr, and headed east of the port towards a frigate in that area for purposes of examination and inspection. The boat was released at 1845 hours.

8. At 1307, 1326, 1502 and 1509 hours on 26 August, United States aircraft violated Iraqi airspace over Umm Qasr.

9. At 0930 on 26 August, a United States naval vessel with an armed helicopter on board intercepted an Iraqi fireboat near buoy 51 in the Khawr al-Zubayr waterway and proceeded to search it. Many questions were asked, and it was claimed that the reason for the search was to implement Security Council resolutions. The boat was then instructed to proceed towards a Canadian frigate bearing the hull number 95. The United States force on the Iraqi boat then disembarked and a Canadian force with various items of equipment boarded. The members of this force searched the boat meticulously and photographed its papers and official logs. At 1915 hours the boat was released.

10. At 1330 hours on 27 August, a United States boat escorted the merchant vessel BAWNK, which was putting to sea from Umm Qasr, to the inspection area. There it was searched. At 1815 hours the merchant vessel resumed its voyage.

11. At 0043, 1016, 1211, 1240 and 1737 hours on 27 August, United States aircraft violated Iraqi airspace over Umm Qasr.

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S/1998/841
9 September 1998

ORIGINAL: ENGLISH

Costa Rica, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous relevant resolutions, and in particular its resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 1060 (1996) of 12 June 1996, 1115 (1997) of 21 June 1997 and 1154 (1998) of 2 March 1998,

Noting the announcement by Iraq on 5 August 1998 that it had decided to suspend cooperation with the United Nations Special Commission and the International Atomic Energy Agency (IAEA) on all disarmament activities and restrict ongoing monitoring and verification activities at declared sites, and/or actions implementing the above decision,

Stressing that the necessary conditions do not exist for the modification of the measures referred to in section F of resolution 687 (1991),

Recalling the letter from the Executive Chairman of the Special Commission to the President of the Security Council of 12 August 1998 (S/1998/767), which reported to the Council that Iraq had halted all disarmament activities of the Special Commission and placed limitations on the rights of the Commission to conduct its monitoring operations,

Recalling also the letter from the Director General of the IAEA to the President of the Security Council of 11 August 1998 (S/1998/766) which reported the refusal by Iraq to cooperate in any activity involving investigation of its clandestine nuclear programme and other restrictions of access placed by Iraq on the ongoing monitoring and verification programme of the IAEA,

Noting the letters of 18 August 1998 from the President of the Security Council to the Executive Chairman of the Special Commission and the Director General of the IAEA (S/1998/769, S/1998/768), which expressed the full support of the Security Council for those organizations in the implementation of the full range of their mandated activities, including inspections,

Recalling the Memorandum of Understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998 (S/1998/166), in which Iraq reiterated its undertaking to cooperate fully with the Special Commission and the IAEA,

Noting that the announcement by Iraq of 5 August 1998 followed a period of increased cooperation and some tangible progress achieved since the signing of the Memorandum of Understanding,

Reiterating its intention to respond favourably to future progress made in the disarmament process and reaffirming its commitment to comprehensive implementation of its resolutions, in particular resolution 687 (1991),

Determined to ensure full compliance by Iraq with its obligations under all previous resolutions, in particular resolutions 687 (1991), 707 (1991), 715 (1991), 1060 (1996), 1115 (1997) and 1154 (1998), to permit immediate, unconditional and unrestricted access to the Special Commission and the IAEA to all sites which they wish to inspect, and to provide the Special Commission and the IAEA with all the cooperation necessary for them to fulfil their mandates under those resolutions,

Stressing the unacceptability of any attempts by Iraq to deny access to any sites or to refuse to provide the necessary cooperation,

Expressing its readiness to consider, in a comprehensive review, Iraq's compliance with its obligations under all relevant resolutions once Iraq has rescinded its above-mentioned decision and demonstrated that it is prepared to fulfil all its obligations, including, in particular on disarmament issues, by resuming full cooperation with the Special Commission and the IAEA consistent with the Memorandum of Understanding, as endorsed by the Council in resolution 1154 (1998), and to that end welcoming the proposal of the Secretary-General for such a comprehensive review and inviting the Secretary-General to provide his views in that regard,

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Condemns the decision by Iraq of 5 August 1998 to suspend cooperation with the Special Commission and the IAEA, which constitutes a totally unacceptable contravention of its obligations under resolutions 687 (1991), 707 (1991), 715 (1991), 1060 (1996), 1115 (1997) and 1154 (1998), and the Memorandum of Understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998;

2. Demands that Iraq rescind its above-mentioned decision and cooperate fully with the Special Commission and the IAEA in accordance with its obligations under the relevant resolutions and the Memorandum of Understanding as well as resume dialogue with the Special Commission and the IAEA immediately;

3. Decides not to conduct the review scheduled for October 1998 provided for in paragraphs 21 and 28 of resolution 687 (1991), and not to conduct any further such reviews until Iraq rescinds its above-mentioned decision of 5 August 1998 and the Special Commission and the IAEA report to the Council that they are satisfied that they have been able to exercise the full range of activities provided for in their mandates, including inspections;

4. Reaffirms its full support for the Special Commission and the IAEA in their efforts to ensure the implementation of their mandates under the relevant resolutions of the Council;

5. Reaffirms its full support for the Secretary-General in his efforts to urge Iraq to rescind its above-mentioned decision;

6. Reaffirms its intention to act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the prohibitions referred to in that resolution and notes that by its failure so far to comply with its relevant obligations Iraq has delayed the moment when the Council can do so;

7. Decides to remain seized of the matter.

UNITED NATIONS **S**

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S/1998/842
9 September 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 8 SEPTEMBER 1998 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE UNITED ARAB EMIRATES TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a passage concerning the occupation by Iran of three islands belonging to the United Arab Emirates taken from the press release issued at the sixty-eighth session of the Ministerial Council of the Gulf Cooperation Council, held on 27 and 28 August in Jeddah, Kingdom of Saudi Arabia.

I should be grateful if you would arrange for this letter and the annex thereto to be circulated as a document of the Security Council.

(Signed) Yacub Yousif AL-HOSANI
Chargé d'affaires a.i.

ANNEX

Passage concerning the occupation by Iran of three islands belonging to the United Arab Emirates taken from the press release issued at the sixty-eighth session of the Ministerial Council of the Gulf Cooperation Council, held on 27 and 28 August 1998 in Jeddah, Kingdom of Saudi Arabia

Occupation of the three islands belonging to the United Arab Emirates and relations with Iran

(a) Occupation of the three islands belonging to the United Arab Emirates

The Ministerial Council studied developments relating to the Greater Tunb, Lesser Tunb and Abu Musa islands, which belong to the United Arab Emirates but are under occupation by Iran. The Council reiterated that the Iranian Government must respond to the sincere appeals made to it to employ peaceful means to settle the conflict over the three islands, in accordance with the principles and rules of international law, which would include agreeing to submit the matter to the International Court of Justice. It also reaffirmed the sovereignty of the United Arab Emirates over the Greater Tunb, Lesser Tunb and Abu Musa islands and its absolute support for all the peaceful measures taken by the Emirates to recover its sovereignty over the islands, and called on the Iranian Government to end its occupation of the three islands, to destroy any installations it has constructed on them, annul any unilateral measures already taken, and employ peaceful means to settle the conflict, in accordance with the principles and rules of international law, which would include agreeing to submit the matter to the International Court of Justice.

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S/1998/843
9 September 1998

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

At its 3923rd meeting, held on 9 September 1998, the Security Council considered its draft report to the General Assembly covering the period from 16 June 1997 to 15 June 1998. The Security Council adopted the draft report without a vote.

98-26312 (E) 090998

UNITED NATIONS **S**

Security Council

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S/1998/844
10 September 1998

ORIGINAL: ENGLISH

LETTER DATED 9 SEPTEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the annual report of the United Nations Command in Korea to the Security Council (see annex).

I should be grateful if you could arrange to have the enclosed report circulated as a document of the Security Council.

(Signed) Bill RICHARDSON

98-26428 (E) 110998

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Annex

Report of the activities of the United Nations Command for 1997

I. UNITED NATIONS COMMAND AND ITS MISSION

1. In its resolution 82 (1950) of 25 June 1950, the Security Council determined that the armed attack upon the Republic of Korea by forces of the Democratic People's Republic of Korea constituted a breach of the peace and called for an immediate cessation of hostilities. It further called upon the authorities of the Democratic People's Republic of Korea to recall forthwith their armed forces to North Korea. In its resolution 83 (1950) of 27 June 1950, the Council, having noted that the authorities of the Democratic People's Republic of Korea had neither ceased hostilities nor recalled their armed forces north of the 38th parallel, recommended that the Members of the United Nations furnish such assistance to the Republic of Korea as would be necessary to repel the armed attack and restore international peace and security in the area. Articles 39 and 42 of the Charter of the United Nations authorize the Security Council to take such action as may be necessary to maintain or restore internationcal peace and security, including the conduct of military operations by air, sea or land forces of the Member States. Based on this authority, the Security Council, in its resolution 84 of 7 July 1950, recommended that all Member States make military forces and other assistance available to a unified command; requested the United States of America to designate a commander for the unified command; and directed the unified command to provide it with reports, as appropriate, on the course of action taken under the unified command.

(a) While looking at events within the constraints of an annual period does impose some artificiality, the present report provides a synopsis of the events of 1997 and attempts to convey objectively the impact of those events upon the efforts of the United Nations Command (UNC) in maintaining the Korean Armistice Agreement.

(b) The authority granted UNC by the Security Council also included the authority to negotiate a military armistice to end the fighting on a basis consistent with United Nations objectives and principles. The Commander-in-Chief of the United Nations Command signed the Korean Armistice Agreement on 27 July 1953 on behalf of all the forces of the 16 participating Member States of the United Nations and those of the Republic of Korea, which had also fought under the flag of the United Nations. The Armistice Agreement, a military agreement between the opposing military commanders without a fixed expiration date, was intended to stop the Korean conflict and ensure a complete cessation of hostilities. It created a four-kilometre wide demilitarized zone, which ran 151 miles across the entire width of the Korean Peninsula, separating the combatants. The demilitarized zone, in turn, was further divided two kilometres in from each side by a military demarcation line. Either side was permitted access to its two-kilometre portion of the demilitarized zone but was expressly prohibited from crossing the military demarcation line.

(c) The Armistice Agreement was intended to make possible a final peaceful settlement and assumes that this end will, in good faith, be pursued. In its resolution 811 (IX) of 11 December 1954 the General Assembly took note of paragraph 62 of the Armistice Agreement, which provides that the Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions, or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides. The Assembly also reaffirmed that the objectives of the United Nations remained the achievement by peaceful means of a unified, independent, and democratic Korea, and the full restoration of international peace and security in the area. Pursuant to paragraph 17 of the Armistice Agreement, all successors to the Commander-in-Chief of UNC are responsible for compliance with, and enforcement of, the terms and provisions of the Armistice Agreement.

(d) Today, UNC continues to carry out its functions and fulfil it obligations under the mandate of the Armistice Agreement. It will continue in this mission until the parties directly concerned with the Korean conflict can achieve a durable peace through political dialogue. Of the original 16 Member States of the United Nations that provided military forces to UNC during the Korean War, 9 are still represented in Korea today. They are Australia, Canada, Colombia, France, New Zealand, the Philippines, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States.

II. ARMISTICE MECHANISM AND PROCEDURES

2. The Armistice Agreement is the only legal regime for maintaining the ceasefire between the opposing military forces in Korea, and it affects the actions of both sides in the conflict. It is imperative that it be preserved until a more durable peace is achieved. The provisions of the Armistice Agreement are military in character and pertain solely to the belligerents in Korea. The United Nations Command Commander-in-Chief signed the Armistice Agreement on behalf of all military forces under UNC, while the Supreme Commander of the Korean People's Army (KPA) and the Commander of the Chinese People's Volunteers (CPV) signed the Agreement on behalf of the opposing communist forces. It is the responsibility of the opposing military commanders to enforce the ceasefire by all forces in Korea and establish "measures and procedures" to ensure compliance. In this connection, the opposing military commanders must maintain effective communications to preclude possible incidents and de-escalate the situation in the event that incidents occur.

A. Military Armistice Commission

3. The Military Armistice Commission (MAC) was established by the Armistice Agreement to supervise the implementation of the Agreement and to settle through negotiations any violations of it. MAC was created as a joint organization without a chairman, composed of 10 military members: five senior officers from UNC and five senior officers from KPA/CPV. In accordance with paragraph 20 of the Armistice Agreement, the Commander-in-Chief appoints five senior officers, historically drawn from the Republic of Korea, the United States, the United Kingdom and other Member States still represented in UNC. At the request of

either side, MAC meetings are held in the joint security area, more commonly known as Panmunjom, in the Korean demilitarized zone. On 28 April 1994, however, the KPA MAC Secretary announced that KPA would cease participation in all MAC activities. Its rejection of MAC has continued throughout 1997.

(a) The Armistice Agreement also empowered each side to appoint a Secretary, an Assistant Secretary and other special assistants as required to perform functions in support of MAC. Under the Agreement, UNC and KPA/CPV MAC secretaries are authorized to conduct their own meetings as required, which normally serve as the basic channel of communication between the two sides. Throughout 1997, KPA met only selectively and informally with UNC, and only when it met its needs. It routinely rejected meetings called by UNC over Armistice Agreement issues.

(b) The Joint Duty Office under the MAC Secretariat, located in the joint security area, maintains 24-hour telephone communication between the two sides. Until April 1994, the joint duty officers also met as required. On 28 April 1994, however, the KPA MAC Secretary delivered a message to UNC stating that KPA had decided to recall all remaining KPA MAC members and MAC staff personnel, to cease participation in MAC activities and no longer to recognize UNCMAC as a counterpart. Further, KPA announced its intention to send a "new team" appointed by its Supreme Commander to contact the "US military" to discuss pending military issues, including a new "durable peace-ensuring system" to replace MAC.

(c) On 1 September 1994, the Foreign Ministry of China announced in Beijing that it had decided to recall its delegation to MAC at Panmunjom. This followed the example set earlier in 1994 by KPA when it withdrew its delegation. On 15 December 1994, the CPV delegation departed Pyongyang for Beijing.

(d) UNC has continued to attempt to present credentials for personnel newly assigned to UNCMAC. However, since the announced withdrawal by KPA from MAC in April 1994, it has refused to accept any credentials from UNC.

(e) MAC is authorized under paragraph 27 of the Armistice Agreement to dispatch joint UNC-KPA/CPV observer teams to investigate reported violations of the Armistice Agreement occurring within the demilitarized zone. The KPA has, however, frustrated this important investigative function by continuously refusing to participate in the investigations proposed by UNC. With a single exception, in October 1997, KPA has failed to participate in joint investigations of numerous serious incidents in the demilitarized zone since April 1967. UNC continues to dispatch its observer teams into its portion of the demilitarized zone to ensure compliance with the Armistice Agreement by UNC forces, and is prepared to conduct unilateral investigations of alleged armistice violations in the demilitarized zone. The liaison officers from the United Nations Member States still represented in UNC and officers from the Republic of Korea Advisory Group participated in these special investigative team activities in the demilitarized zone. In 1997, despite numerous reports from the Korean Central News Agency to the contrary, the demilitarized zone has remained relatively quiet. UNC dispatched its joint observer team/special investigative team to UNC guard posts within or along the demilitarized zone on 91 occasions in 1997 to ensure continued compliance with Armistice Agreement

provisions pertaining to the demilitarized zone. In addition, UNC dispatched seven separate special investigative teams to determine the facts associated with alleged armistice violations and participated in one joint investigation with KPA.

(f) There have been no formal plenary sessions of MAC since the 459th MAC meeting, on 13 February 1991. Nevertheless, UNC and KPA have continued to meet in Panmunjom at the colonel level on an informal basis, and the telephone link between UNC and the KPA Panmunjom mission continues to be an important communication link between the two sides. On 3 October 1995, the KPA representatives at Panmunjom refused to accept a UNC message concerning the illegal crossing of the military demarcation line by two civilians without prior coordination. Since then, KPA has refused to acknowledge responsibility for messages containing any reference to a violation of the Armistice Agreement, citing the absence of a KPA organ to deal with armistice issues.

(g) On 4 April 1996, KPA announced that it would no longer accept responsibility for the maintenance and administration of the demilitarized zone and the military demarcation line. Following the announcement, the KPA guard force in the joint security area removed the distinctive insignia specified in the Armistice Agreement and the subsequent Agreement on the MAC Headquarters Area. Based on subsequent observation, KPA personnel and vehicles have continued to operate throughout the northern sector of the demilitarized zone without displaying the appropriate distinctive insignia required by the Armistice Agreement.

(h) In 1997, UNC met with KPA on 29 occasions in Panmunjom. Although KPA has not formally recognized UNC as its dialogue partner, it continues to engage officers of the UNCMAC secretariat on various issues, including a series of meetings on resuming general officer dialogue in Panmunjom. Both sides recognize the value in the resumption of dialogue at the general officer level in the interest of preventing conflict on the peninsula. UNC will continue to pursue this dialogue venue for engaging KPA on armistice-related issues.

(i) There were three key UNCMAC personnel changes in 1997. In October 1997, Major General Michael V. Hayden, United States Air Force, replaced Major General George W. Norwood, United States Air Force, as the United States member in the MAC (see appendix I). In July 1997, Colonel Thomas R. Riley, United States Army, replaced Colonel Ashton H. Ormes, United States Army, as the UNCMAC Secretary (see appendix II). In addition, in November 1997 the rotating UNCMAC member, Colonel Fernando Arteaga, Colombian Army, was replaced by Colonel Angel G. Atutubo, Philippine Army (see appendix III).

B. United Nations Command Military Armistice Commission Senior Member

4. In accordance with paragraph 20 of the Korean Armistice Agreement, the Commander-in-Chief appointed Major-General Cha Ki Mun (subsequently promoted to Lieutenant-General, Republic of Korea Army, as the UNCMAC Senior Member (spokesman), effective 31 July 1996. KPA has repeatedly refused to meet with the Senior Member of the UNC component of MAC, saying that "the South Korean

army is neither a signatory to the Armistice Agreement nor a member of UNC, and cannot represent the whole armed forces now in South Korea.

(a) This North Korean argument is flawed. The Commander-in-Chief signed the Armistice Agreement as Commander of all UNC forces, including 16 United Nations Member States and the Republic of Korea. Neither individual nations nor their military forces are signatories to the Armistice Agreement. During the armistice negotiations and subsequent to the signing of the Agreement, KPA/CPV specifically requested assurances from the Republic of Korea that it would abide by the terms of the Agreement, saying that the armistice would not work unless the Republic of Korea abided by it. UNC relayed such assurances to KPA/CPV.

(b) Today, the Republic of Korea provides "demilitarized zone police" throughout the entire UNC (southern) portion of the demilitarized zone to maintain the armistice. In addition, senior military officers of the Republic of Korea have regularly served as MAC members for the past 44 years. The Armistice Agreement addresses MAC membership neither by nationality nor by United Nations affiliation, nor does it give guidelines for designating a Senior Member. The Commander of each side has discretionary authority to appoint members, and such appointments are not subject to approval by the other side. Further, the appointment of a general officer of the Republic of Korea as the UNCMAC Senior Member does not transfer the armistice maintenance responsibilities of the Commander-in-Chief to either the Government of the Republic of Korea or its forces. In addition, as the UNC signatory to the Armistice Agreement, the Commander-in-Chief is ultimately responsible for ensuring that all UNC forces comply with its provisions.

(c) Article 5 of the Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation between the South and the North, effective 19 February 1992, stipulates:

> "The two sides (North and South Korea) shall endeavor together to transform the present state of armistice into a solid state of peace between the South and North and shall abide by the present Military Armistice Agreement (27 July 1953) until such a state of peace has been realized."

Thus, the Armistice Agreement between the military commanders remains the only legal mechanism to ensure the ceasefire until it is replaced by a more durable peace between the Republic of Korea and the Democratic People's Republic of Korea. The KPA Supreme Commander is legally obligated to respect the terms of the agreement signed in 1953, to recognize the UNC Senior Member, to send representatives to plenary MAC meetings to discuss armistice-related issues and to help promote peace and stability on the Korean Peninsula. The joint UNC-KPA/CPV MAC remains an integral part of the Korean Armistice Agreement, despite KPA statements to the contrary.

C. Neutral Nations Supervisory Commission

5. The Neutral Nations Supervisory Commission (NNSC) was established in accordance with paragraphs 36 and 37 of the Armistice Agreement and was

originally composed of four senior officers from "neutral nations", two from UNC and two from KPA/CPV. The Commander-in-Chief nominated Sweden and Switzerland, and the Supreme Commander of KPA and the Commander of CPV nominated Poland and Czechoslovakia. The Armistice Agreement defines "neutral nations" as countries whose combatant forces did not participate in the Korean conflict. The primary function of the Commission is to conduct independent inspections and investigations of Armistice Agreement violations outside the demilitarized zone and to report its findings to MAC.

(a) KPA/CPV reluctantly agreed to an inspection system proposed by UNC. They have, however, undermined the NNSC function since the signing of the Armistice Agreement by shipping into North Korea modern reinforcing weapons and equipment, completely bypassing the designated ports of entry, in violation of paragraph 13 (d) of the Armistice Agreement.

(b) Since March 1991, KPA has stopped providing required reports to MAC and NNSC pursuant to paragraphs 13 (c) and (d) of the Armistice Agreement, which prohibit the introduction into Korea of reinforcing arms and military personnel.

(c) On 10 April 1993, following the split of Czechoslovakia into two separate States in January 1993, the Democratic People's Republic of Korea forced the Czech delegation to NNSC to withdraw from the north. Further, KPA started pressuring the Polish NNSC delegation to withdraw, cut off protocol contacts and began harassing them to make their life difficult.

(d) In November 1994, the Democratic People's Republic of Korea officially informed the Ministry of Foreign Affairs of Poland that its nomination as a member of NNSC had been terminated. Despite formal protests from NNSC in which members unanimously declared the measures announced by KPA "a blatant violation of the Armistice Agreement, paragraphs 13 (g), (h) and (j), which would be viewed negatively in the eyes of the international community", the Polish delegation was forced to evacuate its camp at Panmunjom on 28 February 1995. On 3 May 1995, KPA closed the NNSC buildings they controlled on Conference Row and suspended free movement across the military demarcation line into the northern part of the neutral joint security area to the remaining NNSC members and UNCMAC personnel. KPA has not nominated replacements, and today maintains that NNSC no longer exists.

(e) Throughout 1997, NNSC - now represented by only two neutral nations in residence, Sweden and Switzerland - held weekly meetings in the joint security area to review and evaluate reports provided by UNC regarding the number of arriving and departing military personnel. The Polish member returned to Panmunjom periodically from Warsaw, meeting with the Swiss and Swedish members in January, April and September, to demonstrate its continuing support to NNSC and armistice maintenance.

(f) Although the Democratic People's Republic of Korea's restrictions have severely curtailed the ability of NNSC to carry out its mission, the Commission remains an important part of the Armistice Agreement. KPA has been aggressive in its effort to disestablish NNSC and MAC in order to undermine the foundation of the armistice. The international community, in order to preserve and maintain the existing armistice, must continue to oppose these North Korean

attempts, which are contrary to the letter and spirit of the Armistice Agreement, until it is replaced by a more durable peace. In 1993, UNC called upon KPA to nominate a successor for Czechoslovakia and restore support to the Polish member. KPA has not responded. Although NNSC activities have been curtailed over the years as a result of KPA actions, the presence of "neutral" representatives provides a stabilizing influence on the activities of the opposing sides. UNC believes, therefore, that NNSC should continue to be an integral part of the Korean armistice and will keep the United Nations Security Council informed of further developments on this issue in future reports.

D. United Nations Command remains issue

6. Paragraph 20 of the Understanding on the Return of Korean War Remains, agreed upon in 1954, stipulates that:

> "In the event that either side discovers in its territory bodies of military personnel belonging to the other side after the termination of this Understanding, the delivery and reception of such bodies shall be arranged through the Secretaries of both sides of the Military Armistice Commission."

Since 1954, KPA has refused to accept any armistice-related responsibility for returning remains and has consistently rejected any UNC request for more information concerning those still missing from the war. However, in the late 1980s KPA began demonstrating a willingness to cooperate with United States Government representatives in repatriating remains from the war.

(a) KPA began unilaterally recovering and repatriating UNC Korean War remains to UNC in 1990. Between 20 May 1990 and 13 September 1994, KPA returned a total of 208 sets of what it claimed were UNC Korean War remains. UNC sent those remains to the United States Army Central Identification Laboratory, Hawaii (CILHI) for positive identification. Owing to the lack of complete documentation on excavation data and commingling of remains, the identification process proved extremely difficult. Accordingly, on 7 October 1994, UNC asked KPA to suspend further unilateral recovery operations until an agreement could be reached on conducting joint recoveries in North Korea. Although CILHI has determined that all of the 208 returned remains are human, it has positively identified only seven of the remains. KPA also returned one additional set of unilaterally recovered remains, believed to be those of a British soldier, on 30 October 1995.

(b) In 1996, KPA and the United States Government reached an agreement on the Korean War remains issue. The United States Government agreed to compensate KPA for costs associated with the recovery of remains returned between 1990 and 1994. In turn, KPA agreed to allow a team from CILHI to participate in two joint recovery operations in North Korea near the military demarcation line. The first joint remains recovery operation discovered one set of remains of a United States soldier, who was returned under UNC honours in Panmunjom on 29 July 1996. CILHI positively identified the soldier's remains in September 1996.

(c) In 1997, during three separate joint remains recovery operations, United States and North Korean personnel discovered the remains of six United States soldiers killed during the Korean War. UNCMAC repatriated one set of United States remains through Panmunjom on 4 August, four on 12 September and another on 24 October. UNC remains committed to a full accounting of all those still unaccounted for from the war.

E. Armistice compliance

7. Throughout 1997, UNC deployed UNCMAC special investigative teams into the demilitarized zone to monitor armistice compliance and investigate armistice violation charges for the Commander-in-Chief inside or along the 151-mile southern boundary of the demilitarized zone. Seven of those missions were to investigate violations of the Armistice Agreement. In every instance where UNCMAC attempted to deliver reports of armistice violations, KPA refused to accept them. A report on total KPA armistice violations in 1997 is provided in appendix IV. This does not include charges of routine sightings of KPA soldiers carrying unauthorized weapons in the demilitarized zone or KPA soldiers not wearing distinctive civil police markings. The quantity of those violations is so large as to skew the intent of the report. A chronology of major incidents for 1997 follows:

(a) On 10 March 1997, KPA violated the Armistice Agreement when a five-man KPA patrol crossed the military demarcation line in the vicinity of marker 0492. It could not be determined whether the KPA soldiers, who had travelled over 100 metres south of the military demarcation line, were armed. The patrol remained in territory under the control of UNC approximately 82 minutes without incident before returning the KPA side of the military demarcation line.

(b) Another crossing incident took place on 22 April 1997 when a KPA patrol of five officers and four enlisted soldiers were seen on the northern side of the military demarcation line near marker 0110. The soldiers were carrying AK-47 assault rifles. The patrol began moving single-file west along the northern side of the military demarcation line. At one point, four of the officers intentionally crossed the line approximately 10 feet into the UNC side and stood in front of a military demarcation line marker for approximately two minutes before returning to the northern side without incident. This action occurred in full view of a UNC observation post, and was probably intended to provoke a response.

(c) On 8 and 9 May 1997, KPA security forces committed three separate violations in the joint security area, crossing to the UNC side of the military demarcation line. The first event occurred on 8 May when a KPA soldier threw a book across the military demarcation line in the joint security area, crossed over the line to the southern side to retrieve it, and return north. The second occurred on 9 May when a KPA security guard crossed over the military demarcation line in the joint security area and then returned. The third incident occurred when six KPA soldiers, armed with AK-47-type rifles, were seen south of the military demarcation line in the vicinity of marker 0128. A few minutes later, four more armed KPA soldiers joined the first six at their location south of the military demarcation line. The 10 soldiers continued to

move to the east until no longer observed. The special investigative team estimated that the KPA patrol was approximately 100 metres south of the military demarcation line at its furthest incursion and remained in the UNC portion of the demilitarized zone for approximately 15 minutes before returning north.

(d) Two other violations occurred in the joint security area in June 1997. The first took place on 8 June when an armed KPA soldier crossed the military demarcation line in the vicinity of marker 0100 and remained on the UNC side for four minutes before returning. Also, on 11 June another KPA soldier crossed the military demarcation line at the same location and remained for one minute before returning to the northern side.

(e) On 16 July, a 14-man KPA patrol crossed the military demarcation line nearly 100 metres into the Republic of Korea. Despite verbal warnings and warning shots from the UNC guard post, the KPA patrol continued its movement south of the military demarcation line for approximately 30 minutes. Finally, after numerous warnings to divert them back to the north, a UNC guard post provided direct fire in the vicinity of the KPA patrol. Almost immediately, the patrol returned fire, and the two KPA guard posts in the area began to engage two UNC guard posts with heavy machine-gun and recoilless rifle fire. The firefight lasted approximately one hour, and, while there were no casualties on the UNC side, KPA soldiers may have been injured or killed.

(f) On 9 September, two Republic of Korea soldiers manning a sentry post heard several rounds of small-arms fire in their area and then immediately observed a KPA soldier south of the military demarcation line near the UNC fence. The Republic of Korea soldiers ordered the KPA soldier to drop his weapon, and then one of the Republic of Korea soldiers left the scene to report the situation. At that time, the KPA soldier recovered his weapon and made a threatening movement towards the remaining Republic of Korea soldier, who opened fire, killing the KPA soldier in self-defence. Subsequently, UNC repatriated the body of the KPA soldier at Panmunjom.

(g) On 17 October, a KPA patrol apprehended two Republic of Korea Tae Song-Dong village farmers near the military demarcation line in an area east of Panmunjom. The farmers, a mother and her son, had left their fields and were accompanying joint security area security battalion guards to gather acorns near the military demarcation line. When the security guards approached the acorn grove to locate the missing farmers, they observed a KPA patrol just north of the military demarcation line holding the two farmers. Joint security area security battalion personnel attempted to persuade KPA to release the farmers, but KPA refused and took the two north. UNC security personnel showed great restraint and did not use armed force during the incident. This incident was followed by several meetings between the KPA Panmunjom mission and the UNCMAC secretariat. KPA claimed the two farmers had illegally crossed the military demarcation line into the north, and they were conducting an investigation of the incident. Eventually, both UNC and KPA agreed to conduct a joint investigation of the incident, the first in over 30 years. (KPA specified, however, that those should not be termed a joint observer team as described in the Armistice Agreement.) Members of the UNCMAC special investigative team and KPA, along with the two farmers, met on 21 October along the military demarcation line and began the investigation by trying to establish the exact

location of the apprehension in relation to the line. The investigation could not clearly determine the exact location of the military demarcation line in the area where the farmers were picking acorns owing to the deterioration and obscuration of markers in the area. Markers throughout the demilitarized zone have deteriorated badly over the past 45 years because KPA armed reaction to maintenance teams has prevented UNC maintenance efforts. The farmers stated they did not know the exact location of the military demarcation line and accepted the word of KPA that they had crossed into the north. The investigative team observed that the military demarcation line was not clearly marked at the site, and accepted the farmers' statement in an effort to gain their release. Following the investigation, the two farmers were released to UNC but only after UNC agreed to a press release stating that the incident may have resulted from an accidental crossing. It should be noted that the farmers were in an area they have worked for several years, and posed no threat to KPA.

(h) In yet another armistice violation, on 21 December 1997 a KPA security guard in the joint security area intentionally stepped across the military demarcation line and remained on the UNC side for approximately three minutes, under the direct observation of the UNC guards, before going back north.

(i) On 23 December 1997, a round from a KPA 14.5-millimetre heavy machine-gun hit a UNC guard post tower in the demilitarized zone. The angle and trajectory of the round placed it in direct line of sight with a KPA guard post 136,900 metres to the west of the UNC guard post. The only sound heard was the impact of the round on the guard post tower wall. Owing to overcast conditions, with visibility limited to 50 metres, no muzzle flash, smoke or any KPA activity was observed. The incident could have been the result of an accidental discharge, but a very good possibility exists that it was intentional. Although there was some damage to the guard post tower wall, there were no injuries to personnel because of the incident.

F. Repatriation ceremonies in Panmunjom

8. Several repatriation ceremonies were conducted in Panmunjom throughout the year. The UNCMAC secretariat and the UNC Honour Guard handled the repatriation of all military personnel. The UNCMAC secretariat also facilitated the return of the remains of a Republic of Korea civilian employee who died in North Korea to the Korean Economic Development Organization (KEDO).

(a) On 28 January 1997, UNC repatriated the remains of a Chinese soldier killed during the Korean War to KPA at Panmunjom. The remains were unearthed during a flood in the Republic of Korea in 1996.

(b) KPA repatriated the remains of a United States soldier killed during the Korean War to UNC on 4 August 1997. A bilateral United States-KPA team conducting a joint remains recovery operation in North Korea recovered the remains of the soldier at a former Korean War battle site.

(c) On 11 September 1997, UNC repatriated a live KPA soldier who had inadvertently drifted down the Han River estuary into the Republic of Korea on 25 August. The Government of the Republic of Korea conducted a thorough

investigation into the circumstances surrounding the soldier's arrival in South Korea, agreeing with UNC that it was accidental. When the soldier made it clear he wished to return to North Korea, he was turned over to KPA at Panmunjom.

(d) On 11 September 1997, UNC also repatriated the remains of a KPA soldier killed in the demilitarized zone on 9 September.

(e) On 12 September 1997, KPA repatriated four sets of remains of United States soldiers killed during the Korean War. The remains were recovered during the second 1997 bilateral United States-KPA joint remains recovery operation in North Korea.

(f) The Government of the Republic of Korea requested UNC assistance when a Republic of Korea civilian employee of KEDO reportedly died on 11 October of natural causes in North Korea. Both KPA and the Republic of Korea Government requested that UNC receive the remains at Panmunjom, in accordance with the request of KEDO. As a humanitarian gesture, UNCMAC coordinated the repatriation with KPA, and a single staff officer acted as liaison at the military demarcation line to complete the ceremony on 13 October 1997. KEDO representatives were on line on both sides of the military demarcation line, and only civilian personnel physically handled the remains.

(g) On 24 October 1997, KPA repatriated the remains of a United States soldier killed during the Korean War. The remains of the soldier were recovered in North Korea during the third and final joint remains recovery operation of 1997.

G. Efforts to re-establish general officer-level dialogue

9. Following the Commander-in-Chief's appointment of a Republic of Korea army General as the UNCMAC Senior Member in 1991, KPA refused to accept his credentials or meet with him. It boycotted a UNC call for a MAC meeting in May 1992, claiming that the Republic of Korea Senior Member was not qualified to represent the Commander-in-Chief since the Republic of Korea was not a member of the original UNC and had not signed the Armistice Agreement, and has not met in the MAC since. In April 1994, KPA recalled its MAC members and staff, calling for the establishment of a "new peace-ensuring mechanism" to replace MAC. The North Koreans subsequently established the KPA Panmunjom mission using officers who had been part of the KPA MAC delegation.

(a) For the past three years, UNCMAC and KPA have negotiated to re-establish a general officer channel of communication. In February 1997, KPA appeared to moderate its earlier position that this channel must be bilateral between the Democratic People's Republic of Korea and the United State, and verbally agreed to most of the UNC conditions for general officer talks. The conditions are as follows: UNC will be the dialogue partner of KPA; the Armistice Agreement will be the basis for talks; the venue will be the MAC Conference Room at Panmunjom; and all general officers have an equal voice. UNC anticipates that further discussions with KPA on general officer dialogue will continue, but the prospects for success remain uncertain.

(b) For over 44 years, MAC has served as the primary official channel of communication between the opposing military commanders in Korea. Despite the current impasse, UNC will continue to perform its unique role in the defence of the Republic of Korea and in maintaining the Armistice Agreement until an effective and enduring mechanism to ensure a durable peace on the Korean peninsula is established.

III. CONCLUSIONS

10. The maintenance of timely and effective communications between the commanders of the opposing military forces is vital to preclude escalation of incidents, thereby preventing the resumption of hostilities. All parties to the Korean Armistice Agreement (UNC, KPA and CPV) have played a role in this vital activity for more than 44 years. To continue this vital mission until a more durable peace is attained, both sides must fully cooperate to preserve the existing means of communication through the armistice mechanism - MAC - which is an integral part of the armistice. UNC will continue its efforts to implement the Armistice Agreement and thereby contribute to a stable environment conducive to south-north dialogue to achieve the ultimate goal of a durable peace on the Korean Peninsula.

Appendix I

Credentials of incoming United Nations Command Military Armistice Commission member, dated 2 October 1997

Major General Michael V. Hayden, United States Air Force, is hereby accredited as a member of the United Nations Command Military Armistice Commission, replacing Major General George W. Norwood, United States Air Force, effective this date.

(Signed) John H. TILELLI, Jr.
General, United States Army
Commander-in-Chief

Appendix II

Credentials of incoming United Nations Command Military Armistice Commission Secretary, dated 18 July 1997

Colonel Thomas R. Riley, United States Army, is hereby accredited as Secretary of the United Nations Command component of the Military Armistice Commission, replacing Colonel Ashton H. Ormes, United States Army, effective this date.

(Signed) John H. TILELLI, Jr.
General, United States Army
Commander-in-Chief

Appendix III

Credentials of rotating United Nations Command Military Armistice Commission member, dated 30 November 1997

Colonel Angel G. Atutubo, Philippine Army, is hereby accredited as a member of the United Nations Command Military Armistice Commission, replacing Colonel Fernando Arteaga, Colombian Army, effective this date.

(Signed) John H. TILELLI, Jr.
General, United States Army
Commander-in-Chief

Appendix IV

Korean People's Army violations, 1997

Major violations	January	February	March	April	May	June	July	August	September	October	November	December	Total
Air intrusions	0	0	0	0	0	0	0	0	0	0	0	0	0
Naval intrusions	0	0	0	0	0	0	0	0	0	0	0	0	0
Armed attacks	0	0	0	0	0	0	0	0	0	0	0	0	0
Military demarcation line crossings	0	0	1	2	2	3	1	0	1	0	0	1	11
Firing in demilitarized zone	0	0	0	1	0	0	1	0	0	0	0	1	3
Tank/armoured vehicle	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons violations	0	0	0	0	0	0	3	0	0	0	0	0	3
Excess troops in joint security area	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	1	3	2	3	5	0	1	0	0	2	17
Minor violations													
Fortifications	1	0	0	0	0	0	0	0	0	0	0	0	1
Military training in demilitarized zone	0	0	1	0	0	0	0	0	0	0	0	0	1
Vehicle identification violations	40	36	51	37	35	40	73	25	27	58	58	38	518
Fires in demilitarized zone	1	2	9	7	0	0	0	0	0	0	0	0	19
Unauthorized civilians	0	0	0	0	0	0	0	0	0	0	0	0	0
Miscellaneous/special	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	42	38	51	44	35	40	73	25	27	58	58	38	539

UNITED
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Security Council

Distr.
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S/1998/845
10 September 1998
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 10 SEPTEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF AUSTRIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to draw to your attention the statement on the Ethiopian-Eritrean conflict issued on 3 September 1998 by the Presidency of the European Union (see annex).

I should be grateful if you would have this letter and the annex thereto circulated as a document of the Security Council.

(Signed) Ernst SUCHARIPA
Permanent Representative of Austria
to the United Nations

98-26507 (E) 100998 100998

/...

Annex

[Original: English and French]

Statement on the Ethiopian-Eritrean conflict issued on 3 September 1998 by the Presidency of the European Union

On 24 and 27 August 1998, the Troika of the European Union, at the level of Resident Heads of Missions, undertook demarches with the Governments in Asmara and in Addis Ababa with regard to the Ethiopian-Eritrean conflict. The Heads of Missions urged both parties to find a peaceful solution under the auspices of the Organization of African Unity. In doing so, they pointed out the negative implications and consequences of a re-escalation of the conflict.

The Heads of Missions also raised the question of the overall humanitarian situation and urged both parties to adhere to international humanitarian law and to human rights standards. In this context, they underlined that non-adherence to international humanitarian law would be detrimental to the peace process and to confidence-building.

The European Union will continue to draw attention to the humanitarian situation of foreign nationals in both countries. The European Union appreciates the willingness of both countries to cooperate with humanitarian agencies.

The European Union also reiterates its appreciation for the military restraint of both countries and re-emphasizes its urging to both parties to continue this military restraint. The European Union would like to express its appreciation for the fact that no fighting has taken place since 15 June 1998.

The Central and Eastern European countries and Cyprus associated with the European Union and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

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S/1998/846
10 September 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Item 149 of the provisional agenda*
CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES

SECURITY COUNCIL
Fifty-third year

Identical letters dated 10 September 1998 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and to the President of the Security Council

Upon instructions from my Government, I have the honour and the sad duty to draw attention to the disturbing fact that Taliban leaders confirmed today that the Iranian diplomatic personnel in Mazar-e-Sharif have been killed by Taliban forces, and that their bodies have been recovered. The Government of the Islamic Republic of Iran expresses shock and indignation at this heinous act which displays contempt by Taliban, not only for the recognized norms and principles of international law, but also for the very basic rules of human decency. This war crime must be condemned, those responsible arrested and extradited to Iran for prosecution.

In this regard, referring to Security Council resolution 1193 (1998), and particularly paragraph 8 thereof, I request urgent consideration by the Security Council of this disturbing and destabilizing development in order to take urgent and necessary measures. The cold-blooded murder of Iranian diplomats in Afghanistan by Taliban constitutes a war crime. The continued policy of militarism by the Taliban fuelled from outside, indiscriminate bombardment of civilian and defenceless people in Bamian, and the ruthless implementation of a policy of ethnic cleansing by Taliban, which are tantamount to other war crimes, have seriously escalated tension and jeopardized peace and security in the region and, as such, make it imperative for the Security Council to adopt urgent preventive measures.

* A/53/150.

The Islamic Republic of Iran considers the inhuman murder of the Iranian diplomats in Afghanistan by Taliban a gross affront to and violation of the sovereignty of the Islamic Republic of Iran and holds them responsible for the consequences.

It would be highly appreciated if this letter were circulated as a document of the General Assembly, under item 149 of the provisional agenda, and of the Security Council.

Hadi NEJAD-HOSSEINIAN
Ambassador
Permanent Representative

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/847
11 September 1998

ORIGINAL: ENGLISH

IDENTICAL LETTERS DATED 11 SEPTEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ANGOLA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a letter dated 10 September 1998 from Mr. Jose Eduardo dos Santos, President of Angola, with the request that it be circulated as a document of the Security Council.

(Signed) Afonso VAN DUNEM "MBINDA"
Ambassador
Permanent Representative

98-26576 (E) 110998

/...

Annex

Letter dated 10 September 1998 from the President of the Republic of Angola addressed to the Secretary-General

As you know, the peace process in Angola has been at a stalemate since the middle of this year, and there are no perspectives of resolving the impasse it now faces because of the deliberate and obstructionist attitude of Mr. Jonas Savimbi, who refuses to comply with the Final Provisions of the Lusaka Protocol, which would put an end to the cycle of war and instability under which Angola has been suffering for several years.

All the efforts made to convince Mr. Savimbi to cooperate with the Government and the international community have yielded no results, nor have all the pressures place upon him by the international community and, in particular, by the Security Council.

For the Angolan people, the evidence clearly demonstrates that Mr. Jonas Savimbi never really adhered to the Lusaka Protocol. It was convenient for him to give the impression that he respected it so as to gain the time he needed to reorganize and equip his military forces.

Mr. Savimbi has already attained this objective and, hence, he has assumed the same attitude that he demonstrated after the multi-party elections held in Angola in 1992.

Mr. Savimbi has again launched a military campaign all over the national territory and has hardened his positions against the Angolan Government, the Troika of Observers and the United Nations themselves. This is an unequivocal demonstration that he no longer considers the Lusaka Protocol a valid instrument for the establishment of peace in Angola.

The Government and the Angolan people have no doubt about this and do not at all believe that diplomatic means will now have any effect on Mr. Savimbi's current position.

Given the current Angolan situation, we do not believe it is prudent to again give Mr. Savimbi the benefit of the doubt. This would only lead to false expectations, and we would waste the time we need to take adequate steps.

Given the above-mentioned facts and after a careful analysis, the Government of Angola has decided to break its dialogue with Mr. Savimbi. His behaviour and practices have completely disqualified him as an interlocutor in the Angola peace process and have placed him outside the law.

I would like to inform you that the countries of southern Africa have reached the same conclusions as the Angolan Government and believe that Mr. Savimbi and his military forces are a serious and continuous threat to peace in the subregion as well as in Central Africa; therefore, it is necessary to unite means, actions and forces in the region so as to combat and neutralize the war machine of the União Nacional para a Independência Total de Angola (UNITA).

Fortunately, the positions of the Angolan Government on the question of peace in Angola coincide with those of a large group of UNITA political and military leaders, who have a profound knowledge of Mr. Savimbi's strategy. Their patriotism has led them to break away from their leader, whom they have removed from the leadership of the party. They have created a Renovation Committee that has provisionally assumed this mandate position until the party holds its Congress, to be scheduled this year.

The Renovation Committee has decided to assume the position of interlocutor with the Government, the Troika of Observers and your Special Representative in the peace process.

The Angolan Government has decided to recognize the UNITA Renovation Committee as the only legitimate interlocutor for the conclusion of the Lusaka Protocol.

I request that you not hesitate to support the positions of the Angolan Government and those of the UNITA Renovation Committee, for this is the only way to give the peace process a new thrust, capable of leading it to its conclusion.

I am sure that you and the members of the Security Council will understand the new political context in Angola, and I would like to request that you have the present letter circulated as a document of the Security Council.

(Signed) Jose Eduardo DOS SANTOS
President of the Republic of Angola

UNITED
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General Assembly
Security Council

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A/53/371
S/1998/848
11 September 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Items 72, 79, 96, 97, 104, 105,
157 and 162 of the provisional agenda*
GENERAL AND COMPLETE DISARMAMENT
CONVENTION ON THE PROHIBITION OF THE
DEVELOPMENT, PRODUCTION AND STOCKPILING
OF BACTERIOLOGICAL (BIOLOGICAL) AND
TOXIN WEAPONS AND ON THEIR DESTRUCTION
SUSTAINABLE DEVELOPMENT AND INTERNATIONAL
ECONOMIC COOPERATION
ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
CRIME PREVENTION AND CRIMINAL JUSTICE
INTERNATIONAL DRUG CONTROL
MEASURES TO ELIMINATE INTERNATIONAL TERRORISM
GLOBAL IMPLICATIONS OF THE YEAR 2000 DATE
CONVERSION PROBLEM OF COMPUTERS

SECURITY COUNCIL
Fifty-third year

Letter dated 10 September 1998 from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations addressed to the Secretary-General

We have the honour to transmit to you herewith the text of a joint statement by the President of the United States of America and the President of the Russian Federation on common security challenges at the threshold of the twenty-first century, signed at Moscow on 2 September 1998 in the course of the meeting between the President of the United States of America, W. Clinton, and the President of the Russian Federation, B. Yeltsin.

* A/53/150.

98-26633 (E) 150998

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We should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly under items 72, 79, 96, 97, 104, 105, 157 and 162 of the provisional agenda, and of the Security Council.

(Signed) W. RICHARDSON
Ambassador
Permanent Representative of the
United States of America to the
United Nations

(Signed) S. LAVROV
Ambassador
Permanent Representative of the
Russian Federation to the
United Nations

Annex

Joint statement by the President of the United States of America and the President of the Russian Federation on common security challenges at the threshold of the twenty-first century, signed at Moscow on 2 September 1998

We, the Presidents of the United States of America and of the Russian Federation, declare that cooperation between the United States and the Russian Federation will be of the greatest import in the twenty-first century for promoting prosperity and strengthening security throughout the world. In this connection, we reaffirm that the United States of America and the Russian Federation are natural partners in advancing international peace and stability. We have devoted particular attention to intensifying joint efforts to eliminate threats inherited from the cold war and to meet common security challenges at the threshold of the twenty-first century.

We understand that the most serious and pressing danger is the proliferation of nuclear, biological, chemical and other types of weapons of mass destruction, the technologies for their production and their means of delivery. Given the increasing interdependence of the modern world, these threats are becoming transnational and global in scope; they affect not only the national security of the United States and the Russian Federation, but also international stability. We reaffirm the determination of the United States and the Russian Federation to cooperate actively and closely with each other, as well as with all other interested countries, to avert and reduce this threat by taking new steps, seeking new forms of collaboration and strengthening generally recognized international norms.

We recognize that more must be done and today we have taken a number of steps to enhance not only our security, but global security as well. We are declaring our firm commitment to intensifying negotiations towards early completion of the Protocol to the Biological Weapons Convention. We are embarking upon new and important cooperation to further lessen the risks of false warnings of missile attacks. And we have agreed upon principles to guide our cooperation in the management and disposition of plutonium from nuclear weapons programmes so that it can never again be used in a nuclear weapon.

Common commitments have made the United States and the Russian Federation partners in developing the foundations of an international non-proliferation regime, including the Treaty on the Non-Proliferation of Nuclear Weapons, International Atomic Energy Agency (IAEA) safeguards, the Convention on Biological and Toxin Weapons and the Comprehensive Nuclear-Test-Ban Treaty. The Russian Federation and the United States reaffirm their commitment to the goal of having all countries accede to the Treaty on the Non-Proliferation of Nuclear Weapons in its present form, without amendments. They are also committed to the strengthened guidelines of the Nuclear Suppliers Group. As participants in the Conference on Disarmament, they jointly achieved success in the negotiations of the Chemical Weapons Convention and of the Comprehensive Nuclear-Test-Ban Treaty, and call upon all countries to accede to these Treaties. Guided by these obligations, they have taken substantial practical steps to reduce the

global nuclear threat and to control transfers of sensitive technology. They remain deeply concerned about the nuclear tests in South Asia and reaffirm United States and Russian commitments to coordinate closely support for all steps set forth in the joint communiqué of the five permanent members of the Security Council, as endorsed by the G-8 and the Security Council.

The START Treaty and the Presidents' nuclear arms reduction initiatives in 1991-1992 will help to ensure the ultimate goal of nuclear disarmament and enhance international security. We have together eliminated more than 1,700 heavy bombers and missile launchers, including more than 700 launch silos, 45 submarines capable of launching nuclear missiles, and deactivated or eliminated more than 18,000 strategic and tactical nuclear warheads. Reaffirming our commitment to strict compliance with our obligations under the START I and Anti-Ballistic Missile Treaties, we declare our resolve to collaborate in expediting the entry into force of the START II Treaty. Immediately after Russian ratification of START II, the United States and the Russian Federation will begin negotiations regarding lower levels within the framework of a START III Treaty.

As a result of significant reductions in their nuclear forces, the United States and the Russian Federation have large stockpiles of nuclear materials that are no longer needed for defence purposes. They remain committed to providing the maximum degree of security and accountability for these and other stockpiles of weapons-grade fissile materials and reaffirm the importance of implementing the July 1998 Agreement signed by the Vice-President of the United States and the Prime Minister of the Russian Federation on Scientific and Technical Cooperation in the Management of Plutonium that has been Withdrawn from Nuclear Military Programmes.

We reaffirm our commitment to further cooperation on export controls as an essential part of ensuring non-proliferation. Our Governments recently created an additional mechanism for cooperation in the field of exports of sensitive technology. To this end, at our meeting today we agreed to establish expert groups on nuclear matters, missile and space technology, catch-all and internal compliance, conventional weapons transfers controls, as well as law enforcement, customs matters and licensing in order to enhance cooperation and to implement specific bilateral assistance and cooperative projects. These groups will be formed within the next month and begin practical activities without delay. A protected communications channel between senior officials of both countries has also been established, which will ensure the rapid and confidential exchange of information on non-proliferation matters.

We reaffirmed the importance of the Treaty on Conventional Armed Forces in Europe (CFE) and its fundamental contribution to stability, predictability and cooperation in Europe. As we work together to build a more integrated and secure Europe, we are committed to accelerating the negotiations to adapt the Treaty to changing circumstances. We consider it necessary to complete work on adapting the Treaty in the nearest future. We reaffirm our commitment to comply with the Treaty's provisions during the process of its adaptation.

The United States and the Russian Federation remain committed to jointly building an enduring peace based upon the principles of democracy and the

indivisibility of security. They reaffirm the common objective of strengthening security and stability in the interest of all countries, and combating aggressive nationalism and preventing abuses of human rights. They will consult with each other and strive to cooperate in averting and settling conflicts and in crisis management. In this regard, we attach great importance to operational military cooperation, in both bilateral and multilateral settings, between the armed forces of the United States and the Russian Federation. We are pleased to note that definite progress has been achieved in the area of defence cooperation, particularly in strengthening nuclear security and in implementation of the Cooperative Threat Reduction Programme.

We recognize that the soundness of an increasingly interdependent world financial and economic system affects the well-being of people in all countries. We agree on the importance to the international community of the success of economic and structural reform in the Russian Federation.

Strengthening environmental protection in the twenty-first century is imperative in order to protect natural systems on which humanity depends. The Russian Federation and the United States will work together to resolve the global climate problem, to preserve the ozone layer, to conserve biodiversity and to ensure the sustainable management of forests and other natural resources. We underscored the necessity of deepening broad-based international and bilateral cooperation in this area.

We declare that terrorism in all its forms and manifestations, irrespective of its motives, is utterly unacceptable. The United States and the Russian Federation harshly condemn the recent terrorist bombings in Kenya and the United Republic of Tanzania. At our meeting today we agreed on a series of actions that respond to this growing scourge.

We agreed to intensify joint efforts to counteract the transnational threats to our economies and security, including those posed by organized crime, the narcotics trade, the illegal arms trade, computer and other high-technology crime, and money laundering. We agreed to establish a bilateral law enforcement working group that will meet on a regular basis, and we agreed to step up law enforcement efforts and improve the public information system to eradicate trafficking in women and children. We agreed that the United States and the Russian Federation will take an active part in working out an effective United Nations convention to combat transnational organized crime. We welcome the hosting by the Russian Federation of a G-8 transnational crime conference at the ministerial level in Moscow in 1999.

We recognize the importance of promoting the positive aspects and mitigating the negative aspects of the information technology revolution now taking place, which is a serious challenge to ensuring the future strategic security interests of our two countries. As part of the efforts to resolve these problems the United States and the Russian Federation have already held productive discussions within the framework of the Defence Consultative Group on resolving the potential year 2000 computer problem. The United States and the Russian Federation are committed to continuing consultations and to studying the wider consequences of this computer problem in order to resolve issues of mutual interest and concern.

We declare that the common security challenges on the threshold of the twenty-first century can be met only by consistently mobilizing the efforts of the entire international community. All available resources must be utilized to do so. In the event that it is necessary, the world community must promptly take effective measures to counter such threats. The United States and the Russian Federation will continue to play a leadership role bilaterally and multilaterally to advance common objectives in the area of security.

THE PRESIDENT OF THE
UNITED STATES OF AMERICA

THE PRESIDENT OF THE
RUSSIAN FEDERATION

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/849
11 September 1998

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1185 (1998) of 20 July 1998, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 21 September 1998. The Council also requested me to report to it every 30 days on the progress of the implementation of the Settlement Plan for Western Sahara (S/21360 and S/22464 and Corr.1) and the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, Mr. James A. Baker III (S/1997/742, annexes I-III). The present report covers developments since my previous report to the Council dated 18 August 1998 (S/1998/775).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

A. Identification process

2. During the month of August 1998, the identification of all applicants from tribes other than the H41, H61 and J51/52 tribal groupings drew to a close. As announced by MINURSO in a press release issued on 3 September 1998, all applicants from tribal groups other than H41, H61 and J51/52 have been convoked and their identification may now be regarded as complete, with the exception of those few cases mentioned in paragraph 3 below. Thus, as at 2 September, a total of 147,350 applicants had been interviewed by the Identification Commission, including 60,112 during the first phase of the process from August 1994 to December 1995 and 87,238 since its resumption on 3 December 1997. During September, the Identification Commission will continue the review of identification files, with a view to finalizing the provisional voters list.

3. During the latter part of August, the Moroccan authorities reiterated their refusal to identify in Mauritania persons who had registered in the Tindouf camps in Algeria. In addition, they did not submit to MINURSO expected proposals as to the date and place of convocation of several hundred registered applicants resident abroad. The applicants concerned, in Mauritania and

resident abroad, could use the appeals process in order to seek inclusion in the voters list.

4. No proposals have been forthcoming from either party that would permit the resumption of identification of applicants from tribal groupings H41, H51 and J51/52. This issue remains therefore the major outstanding problem in the identification process. My Special Representative, Mr. Charles F. Dunbar, continues to seek ways of breaking the deadlock.

B. Military aspects

5. As at 10 September 1998, the strength of the military component of MINURSO stood at 453 observers and other military personnel (see annex). This includes the engineering and demining units deployed in accordance with Security Council resolution 1148 (1998) of 26 January 1998. Under the command of Major-General Bernd S. Lubenik (Austria), the military component of the Mission continues to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm, and there have been no indications that either side intends to resume hostilities.

6. The MINURSO formed military units (FMUs) deployed the remainder of their personnel and equipment to the Mission area in early August, in accordance with the provisions of the military agreement between MINURSO and Morocco of 23 July 1998. The Royal Moroccan Armed Forces have abided by the agreement and have been very helpful during the reporting period in providing transportation, recovery and logistical assets to the FMUs, as well as in the provision of mine and unexploded ordnance information.

7. The engineering support unit from Pakistan continued with its construction work for logistical and accommodation purposes, in order to prepare for and support the full deployment of MINURSO. The demining unit from Sweden proceeded with the demining of those areas needed for the future deployment of United Nations civilian and military personnel. Demining of sites for the repatriation of refugees eligible to vote and their immediate families, as well as other Saharans resident outside the Territory, was also started. However, demining cannot be completed until arrangements for the implementation of the repatriation programme are finalized between MINURSO and the two parties. In the meantime, the Swedish unit will have completed the demining activities required thus far, by the time its contract expires on 25 October 1998. Arrangements will have to be made in due course, in order to complete the demining tasks related to the repatriation programme.

8. In spite of the progress made, the operational capabilities of these FMUs remain constrained, as their communication equipment has yet to be released by the Moroccan authorities from Laayoune airport.

9. During the reporting period, the Secretariat received positive replies from Algeria and Mauritania to its comments on their earlier responses to the draft status-of-forces agreement on MINURSO. It is expected that the agreements with these two Governments may be signed shortly. A reply to the draft status-of-

forces agreement was received from Morocco and is currently being reviewed by the Secretariat.

C. Civilian police aspects

10. The strength of the civilian police component of MINURSO remains at 81 police officers, under the direction of the Civilian Police Commissioner, Chief Superintendent Peter Miller (Canada). The civilian police component completed the greater part of its mandate of assisting the Identification Commission. However, it continues to collaborate with the Office of the United Nations High Commissioner for Refugees (UNHCR) in the planning process for the repatriation of refugees, and to participate in the MINURSO working group on legal and administrative issues relating to the transitional period.

D. Preparatory work for the repatriation of Saharan refugees

11. During the reporting period, UNHCR continued with its preparatory work for the repatriation of Saharan refugees as provided for under the Settlement Plan. In the Tindouf camps of Algeria, 31,000 refugees have been pre-registered thus far, and at Zouerate and Nouadhibou in Mauritania, 23,000 persons have been pre-registered. The exercise was completed in Mauritania on 1 September and is expected to be completed in Algeria by the end of October 1998. During the pre-registration exercise, UNHCR also continued its refugee needs assessment and information-sharing activities.

12. Road reconnaissance in the Territory, east of the berm, was completed on 1 September 1998 and information was provided to MINURSO to start demining activities of repatriation routes and sites in those areas. A hydrological survey was conducted in the Territory east of the berm by UNHCR's implementing partner from 15 to 28 August 1998. Further studies are required, using satellite imagery, before a water development project is finalized.

13. A UNHCR mission visited Laayoune from 26 August to 4 September 1998 to continue discussions with my Special Representative on a number of issues for coordination purposes, including participation in the MINURSO working group on legal matters and administrative issues. However, despite Morocco's decision to formalize the presence of UNHCR and allow it free access in the Territory, UNHCR still awaits the designation of technical counterparts to undertake a joint mission to the Territory.

E. Other aspects

14. The Independent Jurist for Western Sahara, Mr. Emmanuel Roucounas, visited the mission area during the last week of August as planned. He met with the POLISARIO Coordinator with MINURSO at Tindouf and received a new list of Saharans alleged to be detained by Morocco for political reasons. He then met with Moroccan officials in Rabat and informed them of this new list, which has since been transmitted to them by my Special Representative. With regard to the list of presumed political prisoners and detainees which was submitted to

Morocco in January 1997, the Moroccan authorities informed the Independent Jurist that they had no further specific information on individual cases. However, the Independent Jurist was assured that Morocco would cooperate in these matters in accordance with the Settlement Plan, and in greater detail within the framework of the transitional period. Other discussions were held in Laayoune with my Special Representative and his staff.

III. ADMINISTRATIVE AND FINANCIAL ASPECTS

15. The problem of identifying a site for the deployment of the engineering support and demining units from Pakistan and Sweden, and for the storage of their equipment and ammunition, caused considerable delay earlier this year. The site only became available in early May, and the related construction was completed in August, resulting in financial requirements for the financial year beginning in July 1998. As arrangements had yet to be concluded with the Moroccan Government for occupancy of the site at no cost to the United Nations, MINURSO was obliged to enter into direct contractual obligations with the owner of the site and to pay a monthly rent, with the hope that it can be recovered from the Government in due course.

16. Despite assurances from the Moroccan authorities, the Mission continues to be confronted with bureaucratic and procedural problems in customs clearance of much needed items and equipment, including communication materials as indicated in paragraph 8 above. Consultations are continuing between MINURSO and the Moroccan authorities to resolve this issue.

17. As indicated in my report of 16 March 1998 (A/52/730/Add.3 and Corr.2), the proposed budget for the maintenance of MINURSO for the period from 1 July 1998 to 30 June 1999 is estimated at $65.1 million gross, equivalent to a monthly rate of $5.4 million gross. Pending the decision of the Security Council on the deployment of additional military and police personnel after 20 July 1998, the General Assembly, by its resolution 52/228 B of 26 June 1998, appropriated an initial amount of $21.6 million gross, equivalent to a monthly rate of $5.4 million gross, for the period from 1 July to 31 October 1998.

18. Therefore, should the Council decide to extend the mandate of MINURSO, as recommended in paragraph 23 below, the balance of the requirements for the maintenance of the Mission, as contained in my report of 16 March 1998, will be sought from the General Assembly at the main part of its fifty-third session.

19. As at 11 September 1998, unpaid assessed contributions to the MINURSO special account for the period since inception of the Mission to 21 September 1998 amounted to $73.3 million. The total outstanding assessed contributions for all peacekeeping operations as at 11 September was $1,761.8 million.

IV. OBSERVATIONS AND RECOMMENDATIONS

20. I am gratified that the identification of over 147,000 applicants has been completed with the cooperation of the two parties. I am confident that the cases of those few applicants from tribes other than groupings H41, H61 and J51/52 who could not be convoked may be heard during the appeals process provided for in the Settlement Plan. However, I am concerned that the question of the identification of applicants from those three tribal groupings remains outstanding. It is my hope that the parties will be prepared to resolve the issues surrounding the identification of these applicants, in order to move forward promptly towards a solution of the Western Sahara problem.

21. At the same time, it must be stressed that there are a number of troubling problems which continue to impede progress towards holding a referendum in Western Sahara. Signature of the status-of-forces agreements is long overdue; I welcome the decision of the Governments of Algeria and Mauritania to sign the agreement, and hope that the agreement may be concluded with the Government of Morocco promptly after the Secretariat has completed its review of Morocco's reply. I further hope and expect that the signature of the agreement will lead to a resolution of the problems described in paragraphs 15 and 16 above.

22. While I welcome the agreement of the Moroccan authorities to formalize the presence of UNHCR, I remain concerned that they have yet to take concrete action to enable UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote and their immediate families. It is imperative for UNHCR to begin a number of pending activities in the Territory, including confidence-building, infrastructure development and road reconnaissance, in order to complete its preparatory tasks and logistics planning.

23. As noted in my previous report, my Personal Envoy is pursuing his contacts with the parties so that he may assess whether the Settlement Plan can be carried out in its present form or whether there may be adjustments to it, acceptable to the parties, that would improve the chances of implementing it. If he concludes that, even with such adjustments, the Plan cannot be carried out, he will advise me on other courses of action that could be pursued. In order to allow for Mr. Baker's consultations with the two parties to take place, which are now envisaged for late September or early October 1998, and for an assessment of the situation thereafter, I recommend that the Security Council extend the mandate of MINURSO until 31 October 1998.

24. I should like to express my appreciation to my Special Representative and to the Chairman of the Identification Commission, Mr. Robin Kinloch, as well as all MINURSO personnel, for having brought the identification process to this advanced stage despite the difficulties they encountered and for pursuing their efforts towards the implementation of other provisions of the Settlement Plan. I should also like to express my appreciation to the observer delegation of the Organization of African Unity and its Senior Representative, Ambassador Yilma Tadesse (Ethiopia), for their unfailing support, as well as to the Government of Morocco and the Frente POLISARIO for the cooperation which they have extended in the identification process.

Annex

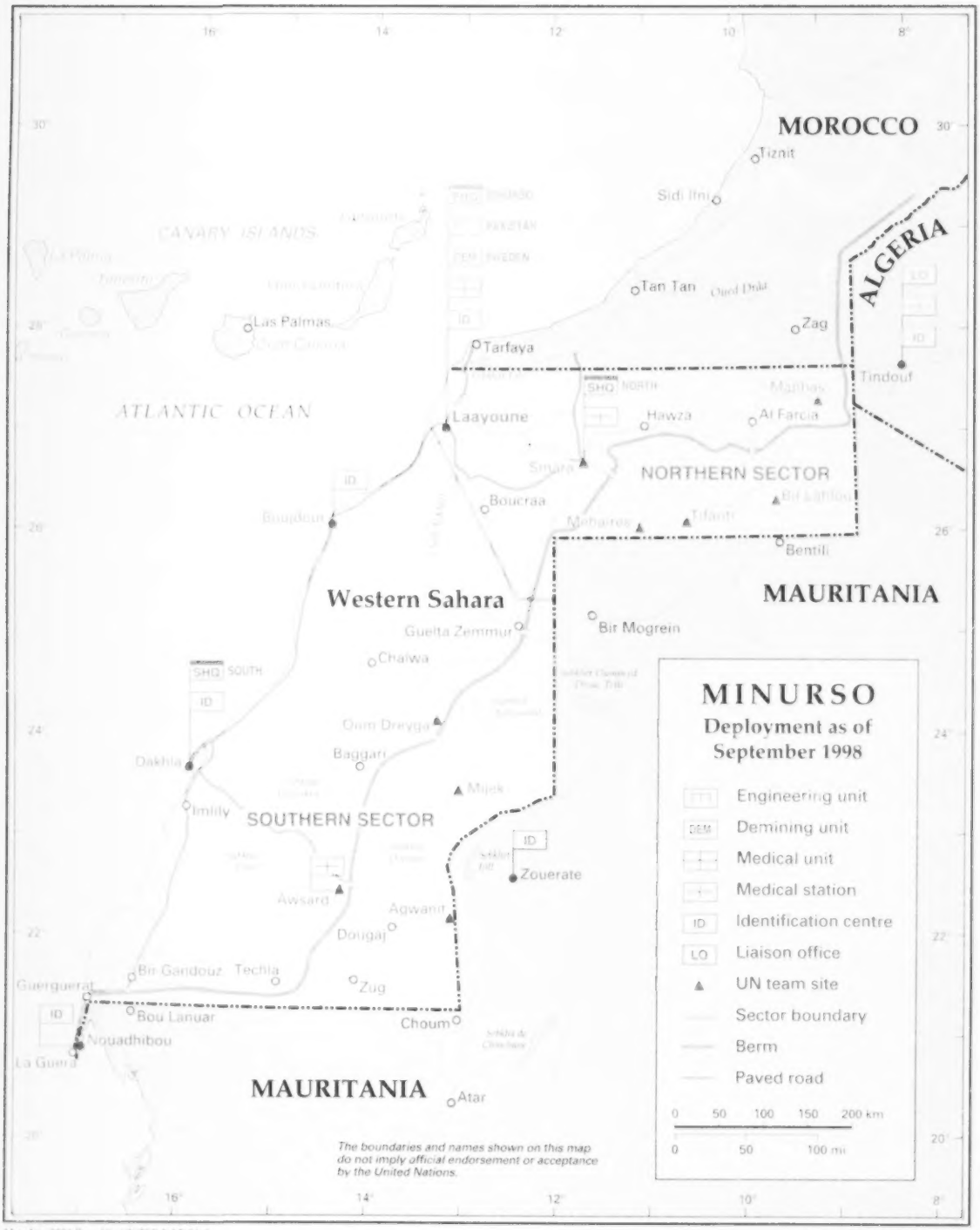
United Nations Mission for the Referendum in Western Sahara: contributions as at 10 September 1998

	Military observers	Staff officers	Troops	Civilian police observers	Total
Argentina	1	-	-	-	1
Austria	5	-	-	-	5[a]
Bangladesh	6	-	-	-	6
Canada	-	-	-	8	8
China	16	-	-	-	16
Egypt	19	-	-	2	21
El Salvador	2	-	-	-	2
France	25	-	-	-	25
Ghana	6	-	7	10	23
Greece	1	-	-	-	1
Guinea	3	-	-	-	3
Honduras	12	-	-	-	12
Ireland	8	-	-	-	8
India	-	-	-	10	10
Italy	5	-	-	-	5
Kenya	8	-	-	-	8
Malaysia	13	-	-	10	23
Nigeria	5	-	-	10	15
Norway	-	-	-	2	2
Pakistan	5	6	150	9	170
Poland	3	-	-	-	3
Portugal	4	-	-	10	14
Republic of Korea	-	-	20	-	20
Russian Federation	25	-	-	-	25
Sweden	-	4	65	10	79[b]
Uruguay	13	-	-	-	13

	Military observers	Staff officers	Troops	Civilian police observers	Total
United States of America	15	-	-	-	15
Venezuela	3	-	-	-	3
Total	203	10	242	81	536

[a] In addition to the Force Commander.

[b] Including two national support elements.



Map No. 3691 Rev. 18 UNITED NATIONS
September 1998

Department of Public Information
Cartographic Section

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/850
15 September 1998
ENGLISH
ORIGINAL: ENGLISH AND
RUSSIAN

Kenya, Portugal, Russian Federation, Slovenia and United States of America: draft resolution

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Reaffirming also its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Taking note of the letter of the President of the Republic of Angola to the Secretary-General of 10 September 1998 (S/1998/847),

Having considered the report of the Secretary-General of 7 September 1998 (S/1998/838),

1. Emphasizes that the primary cause of the crisis in Angola and of the current impasse in the peace process is the failure by the leadership of the União Nacional para a Independência Total de Angola (UNITA) to comply with its obligations under the "Acordos de Paz", (S/22609, annex), the Lusaka Protocol (S/1994/1441, annex) and relevant Security Council resolutions, and demands that UNITA comply immediately and without conditions with its obligations, in particular the complete demilitarization of its forces and full cooperation in the immediate and unconditional extension of State administration throughout the national territory;

2. Demands that UNITA withdraw immediately from territories which it has occupied through military action;

3. Reiterates its full support for the implementation of the Lusaka Protocol;

4. Demands that UNITA transform itself into a genuine political party through the dismantling of its military structure and in the context of the full implementation of the Lusaka Protocol strongly urges the Angolan authorities to reconsider their decision to suspend the participation of members of UNITA in the Government of Unity and National Reconciliation and in the National Assembly;

5. Calls on Member States to implement fully the relevant provisions of resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998;

6. Strongly urges the Government of Angola, UNITA and States in the region to reject military action, to pursue dialogue to resolve the crisis and to refrain from any steps which could exacerbate the current situation;

7. Reiterates its support to the Secretary-General for his personal engagement in the peace process, and urges the Government of Angola and UNITA to cooperate fully with the Special Representative of the Secretary-General and with other relevant initiatives by Member States to seek a peaceful resolution of the crisis;

8. Decides to extend the mandate of the United Nations Observer Mission in Angola (MONUA) until 15 October 1998, and to assess the overall situation and take action on the future role of the United Nations in Angola on the basis of a report and recommendations to be submitted by the Secretary-General no later than 8 October 1998;

9. Endorses the decision of the Secretary-General to instruct MONUA to adjust its deployment on the ground, as needed, to ensure the safety and security of MONUA personnel, and demands that the Government of Angola and in particular UNITA guarantee unconditionally the safety and freedom of movement of the Special Representative of the Secretary-General and all United Nations and international humanitarian personnel, including those providing humanitarian assistance;

10. Decides to remain actively seized of the matter.

UNITED
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General Assembly
Security Council

Distr.
GENERAL

A/53/388
S/1998/851
15 September 1998
ENGLISH
ORIGINAL: RUSSIAN

GENERAL ASSEMBLY
Fifty-third session
Agenda item 45
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Fifty-third year

Letter dated 15 September 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Kazakhstan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of a statement dated 13 September 1998 by the Ministry of Foreign Affairs of the Republic of Kazakhstan concerning the murders of the members of the staff of the Iranian Consulate-General in Mazar-i-Sharif.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under agenda item 45, and of the Security Council.

(Signed) Erzhan KAZYKHANOV
Chargé d'affaires a.i.

Annex

Statement dated 13 September 1998 by the Ministry of Foreign Affairs of Kazakhstan

The Ministry of Foreign Affairs of the Republic of Kazakhstan resolutely condemns the murders of the members of the staff of the Iranian Consulate-General in Mazar-i-Sharif. Those actions, carried out by the forces of the Taliban movement, fundamentally contravene elementary international and universal norms.

This barbarous act must be the subject of immediate consideration at the session of the General Assembly and in the Security Council.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/852
16 September 1998
ENGLISH
ORIGINAL: ARABIC, CHINESE, ENGLISH,
FRENCH, RUSSIAN AND SPANISH

Draft resolution

The Security Council,

Reaffirming its resolution 1170 (1998) of 28 May 1998,

Recalling the statement of its President made on 25 September 1997 (S/PRST/1997/46) at the meeting of the Council at the level of Foreign Ministers on the situation in Africa,

Having considered the recommendations contained in the report of the Secretary-General of 13 April 1998 on "The causes of conflict and the promotion of durable peace and sustainable development in Africa", which was submitted to the General Assembly (A/52/871) and to the Security Council (S/1998/318) in accordance with the above-mentioned statement, regarding the importance of strengthening the effectiveness of arms embargoes as a means to diminish the availability of arms with which to pursue armed conflicts,

Stressing the principles of the political independence, sovereignty and territorial integrity of all States,

Mindful of the Cairo Declaration of 1993 (A/48/322, annex II), which stipulated that the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution would have as a primary objective the anticipation and prevention of conflicts,

Reaffirming the obligations of all Member States to settle their international disputes by peaceful means and stressing the primary responsibility of the Security Council for the maintenance of international peace and security in accordance with the Charter of the United Nations,

Recognizing that the International Commission of Inquiry established by its resolution 1013 (1995) of 7 September 1995 and reactivated in accordance with its resolution 1161 (1998) of 9 April 1998 is an example of a useful means for strengthening the effectiveness of an arms embargo established by the Council,

1. Reiterates the obligation of all Member States to carry out decisions of the Council on arms embargoes;

2. Encourages each Member State, as appropriate, to consider as a of implementing the obligations referred to in paragraph 1 above the ado legislation or other legal measures making the violation of arms embargo established by the Council a criminal offence;

3. Requests the Security Council Committees established by resolu imposing arms embargoes in Africa to include in their annual reports a substantive section on the implementation of the arms embargoes, on poss violations of the measures reported to the Committee and with recommenda appropriate for strengthening the effectiveness of the arms embargoes;

4. Encourages the Chairmen of the Committees referred to in parag above to seek to establish channels of communication with regional and subregional organizations and bodies, including in Africa the OAU Mechan Conflict Prevention, Management and Resolution, the Economic Community o African States (ECOWAS), the United Nations Standing Advisory Committee Security Questions in Central Africa (SACSQ), the Southern African Devel Community (SADC) and the Intergovernmental Authority on Development (IGA addition to other sources of information, including Member States, alrea mentioned in the guidelines of the Committees, in order to improve the monitoring of arms embargoes through wider and regular exchange of infor with relevant parties in the region concerned;

5. Reiterates its request that all States, relevant United Nations bodies, and, as appropriate, other organizations and interested parties information on possible violations of arms embargoes established by the to the relevant Security Council Committees referred to in paragraph 3 a

6. Requests the Committees referred to in paragraph 3 above to mak relevant information publicly available through appropriate media, inclu through the improved use of information technology;

7. Welcomes the initiative of the Chairmen of the Committees estab pursuant to resolution 864 (1993) of 15 September 1993 and resolution 1132 (1997) of 8 October 1997 concerning the situations in Angola and Sie Leone, respectively, to visit countries in the region and invites other Committees to consider this approach, where and when appropriate, in orde enhance the full and effective implementation of the measures specified i respective mandates with a view to urging the parties to comply with rele Council resolutions;

8. Expresses its willingness to consider, whenever it establishes embargoes, all appropriate measures to assist their effective implementat and notes, in this context, that measures such as inquiries into arms trafficking routes, the follow-up of possible specific violations and the deployment of border or point of entry monitors may be relevant, in consu with the countries concerned;

9. Urges Member States, relevant United Nations bodies and agencie other international agencies to consider the provision of technical and c assistance, in consultation with the States concerned, to facilitate the implementation of arms embargoes;

10. Stresses that arms embargoes established by the Council should have clearly established objectives and provisions for regular review of the measures with a view to lifting them when the objectives are met, in accordance with the terms of the applicable Security Council resolutions;

11. Requests all Security Council Committees established by resolutions imposing arms embargoes to consider, as appropriate, the application of the measures contained in this resolution;

12. Decides to remain seized of the matter.

UNITED
NATIONS

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Security Council

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GENERAL

S/1998/851
15 September 1998

ORIGINAL: ENGLISH

LETTER DATED 9 SEPTEMBER 1998 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to Security Council resolution 1186 (1998) of 21 July 1998 concerning the United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia.

Following the usual consultations, I wish to inform you of my intention to appoint Brigadier-General Ove Johnny Strømberg of Norway as the Force Commander of UNPREDEP when the tour of duty of the current Force Commander, Brigadier-General Rent Sonnemann of Denmark, comes to an end on 30 September 1998.

I should be grateful if you would bring this matter to the attention of members of the Security Council.

(Signed) Kofi A. ANNAN

98-26960 (E) 150998